



THE ATTORNEY GENERAL  
OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL  
ATTORNEY GENERAL

December 3, 1951

Hon. Homer Garrison, Jr., Director  
Texas Dept. of Public Safety  
Camp Mabry  
Austin, Texas

Opinion No. V-1364

Re: Appointment of State agencies, political subdivisions of the State, or municipalities to operate motor vehicle inspection stations which will inspect only their own motor vehicles.

Dear Sir:

You have requested an opinion on the following questions:

"May state agencies and/or political subdivisions, and/or municipal governments be authorized and appointed to operate official State appointed motor vehicle inspection stations and limited to operate such official inspection stations solely for the purpose of inspecting motor vehicles belonging to their respective agencies?"

"If such official motor vehicle stations can be authorized can they pay this department the required fees, post the required bond and in every respect comply with all the provisions that privately-owned stations are required to observe?"

House Bill 223, Acts 52nd Leg., R.S. 1951, ch. 141, p. 240, amends Sections 140, 141, and 142 of Article 670d, V.C.S., known as the "Uniform Act Regulating Traffic on Highways". Section 140, as amended, provides for the inspection of motor vehicles, trailers, semitrailers, pole trailers, and house trailers. It states that the inspections may be accomplished by two alternative agencies—"at State appointed inspection stations or by State Inspectors". Att'y Gen. Op. V-1334 (1951).

It is an established rule that "public officers and governmental and administrative boards possess only such powers as are expressly conferred upon them by law or are necessarily implied from the powers so conferred." Anderson v. Houchins, 99 S.W.2d 1029, 1032 (Tex. Civ. App. 1936); Bryan v. Sundberg, 5 Tex. 418 (1849). Section 141 of Article 6701d regulates the appointment of inspection stations and prescribes the conditions upon which the appointments may be made. If the Texas Department of Public Safety has the power to appoint State agencies or political subdivisions as authorized "State appointed inspection stations", such power must be derived from the express language of Section 141 or by necessary implication. Section 141 provides in part:

"(a) The Department may establish State appointed inspection stations to carry out the provisions of this Section. Such stations may be located anywhere in the State, and should any be established or appointed, there shall be at least one (1) for each county. The Department is authorized to furnish instructions to, and to supervise official inspection stations for corrections, adjustments, repairs, and inspection of motor vehicles, trailers, semitrailers, pole trailers and house trailers for the proper and safe performance of steering mechanism, brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, and such other conditions to assure that such vehicles are in conformity with this Act. Every person desiring to operate as an official inspection station shall file an application for a certificate of appointment with the Department.

"The application shall be made upon a form prescribed and furnished by the Department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business within the State, and such other information as the Department may require. If the applicant has or intends to have more than one place of business within the State, a separate application shall be made for each place of business.

"If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the Department for purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person; in the case of an association, by a member or partner thereof; and in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority.

"Only such locations which fulfill the Department's requirements and whose owners or proprietors comply with Department regulations shall qualify and be appointed and issued a certificate. Upon approval of an application, the Department shall issue to the owner a certificate of appointment as an official inspection station for the place of business within the State set forth in the application."

An examination of the above quoted provisions reveals that "State appointed inspection stations" are limited to persons, associations, and corporations. There is no language to indicate that the Legislature contemplated that State agencies or any political subdivision be included in the terms "person", "association", or "corporation". You are therefore advised that the Texas Department of Public Safety is not authorized to appoint any state agency or political subdivision a "State inspection station".

#### SUMMARY

The Texas State Department of Public Safety is not authorized to appoint any State agency or political subdivision a "State inspection station" for the inspec-

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tion of motor vehicles and trailers required by H.B. 223, Acts 52nd Leg., R.S. 1951, ch. 141, p. 240.

APPROVED:

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Yours very truly,

PRICE DANIEL  
Attorney General

By *John Reeves*  
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JR:wh